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Attorneys for Individual and Representative Plaintiff Michael Simon

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

MICHAEL SIMON, individually, and on behalf of all others similarly situated,

Case No. CV07-6202 EMC

Plaintiffs,

v.

TOSHIBA AMERICA, INC., a Delaware Corporation and TOSHIBA AMERICA INFORMATION SYSTEMS, INC., a California corporation,

**NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE OF DEFENDANT
TOSHIBA AMERICA, INC.**

Defendants.

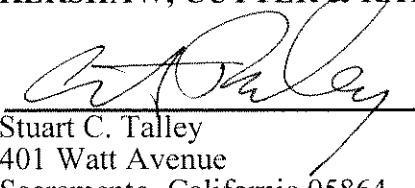
1 Plaintiff, individually, and on behalf of all others similarly situated, by and through his
2 undersigned counsel, hereby files this notice of voluntary dismissal of his complaint as to
3 Defendant TOSHIBA AMERICA, INC. only, without prejudice, pursuant to Rule 41(a)(1) of the
4 Federal Rules of Civil Procedure.

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6 DATED: January 23, 2008.

Respectfully submitted,

7 **KERSHAW, CUTTER & RATINOFF LLP**

8 By:

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16 Plaintiff Michael Simon

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